



PATENT
Attorney Docket No. SYNGEN-06067

19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ronald H. Chiarello *et al.*

Serial No.: 09/894,423

Group No.: 1636

Filed: 6/28/01

Examiner: Qian, C.

Entitled: **Compositions and Methods for Labeling Oligonucleotides**

**PETITION TO ACCEPT AN UNINTENTIONALLY
DELAYED CLAIM, UNDER 35 U.S.C. 120, FOR THE
BENEFIT OF A PRIOR FILED APPLICATION**

RECEIVED

DEC 30 2003

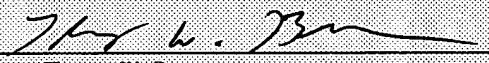
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 17, 2003

By: 

Thomas W. Brown

Sir or Madam:

Due to an unintentional delay, Applicants hereby petition to claim, under 35 U.S.C. 120, the benefit of a prior-filed copending nonprovisional application (e.g. serial number 09/344,226 filed on 06/25/99). Applicants further state the entire delay from four months after the actual filing date of the later-filed application (e.g. serial number 09/894,423 filed on 06/28/2001) to the present was unintentional.

SEARCHED AND SERIALIZED OCTOBER 2003

100-1000

100-1000

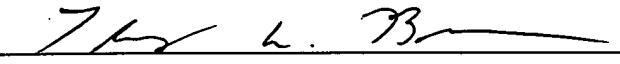
In compliance with 37 CFR 1.78 (a)(3)(i), Applicants have:

- (i) Claimed (in a Preliminary Amendment also filed on this day) priority to, as required by 35 U.S.C. 120, the prior-filed application. This priority claim is appropriate as: a) both the prior-filed and later-filed application name at least one common inventor (Dr. Ronald H. Chiarello), b) the later-filed application disclose this named inventor's invention (as claimed) in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112, and c) the prior-filed application is complete as set forth in 37 CFR 1.51(b);
- (ii) Enclosed the surcharge (of \$1,330.00) as forth in Sec. 1.17(t); and
- (iii) Provided a statement that the entire delay between the date the claim was due, under paragraph (a)(2)(ii) of 37 CFR 1.78, and the date this priority claim was filed was unintentional.

The Commissioner is hereby authorized to charge any additional fees or credit overpayments to our Deposit Account No. **08-1290**. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Respectfully submitted,

Dated: December 17, 2003


Thomas W. Brown
Registration No. 50,002

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
617.984.0616